

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kenneth Williams,

Case No.: 2:22-cv-00045-JAD-EJY

Plaintiff

v.

**Order Adopting Report and
Recommendation, Dismissing Complaint
with Leave to Amend, and Denying Motion
for Preliminary Injunction**

Clark County ex rel, et al.,

Defendants

[ECF Nos. 1, 3]

The magistrate judge has evaluated Plaintiff Kenneth Williams's complaint and recommends that I dismiss it without prejudice and with leave to amend because it is wholly indecipherable.¹ The deadline for any party to object to that recommendation was January 25, 2022, and no party filed anything or asked to extend the deadline to do so. "[N]o review is required of a magistrate judge's report and recommendation unless objections are filed."² Having reviewed the report and recommendation, I find good cause to adopt it, and I do. So I dismiss Williams's complaint with leave to amend by February 28, 2022. If Williams fails to file a proper complaint by that deadline, I will construe that failure as his acknowledgement that he cannot state a colorable claim and I will enter judgment accordingly and close this case.

Williams also moves this court for injunctive relief.³ The court cannot grant injunctive relief unless the movant shows that he has a likelihood of success on the merits of any of his pending claims.⁴ When the plaintiff has no pending claims—and particularly when the court has

¹ ECF No. 3.

² *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

³ ECF No. 1.

⁴ *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008).

1 found that he has failed to state a claim for relief—the plaintiff cannot make that necessary
 2 showing. Because Williams has no viable claim at this time, he cannot satisfy the requirements
 3 for an injunction. So I deny without prejudice his “Motion for Emergency Temporary
 4 Preliminary Injunction.”

5 Finally, it appears that Williams’s mail is being returned to this court as undeliverable.
 6 “A party, not the district court, bears the burden of keeping the court apprised of any changes in
 7 his mailing address.”⁵ So the local rules require litigants to immediately notify the court of any
 8 change of address.⁶ The failure to promptly notify the court of an address change is grounds for
 9 dismissal. Williams must file a notice of change of address by February 28, 2022, or this case
 10 may be dismissed without further prior notice.

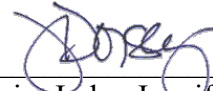
11 **IT IS THEREFORE ORDERED that**

- 12 • The magistrate judge’s report and recommendation [ECF No. 3] is **ADOPTED**
 13 in its entirety.
- 14 • The Clerk of Court is directed to **SEND** plaintiff (1) a copy of the complaint form
 15 for prisoners along with (2) a copy of this order and the report and
 16 recommendation (ECF No. 3).
- 17 • **The complaint is DISMISSED** without prejudice and with leave to amend by
 18 February 28, 2022. **Williams must file a proper complaint on the court’s**
 19 **form by February 28, 2022**, or judgment will be entered and this case will be
 20 closed.

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 23 ⁵ *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (per curiam); *see also In re Hammer*, 940 F.2d 524, 526 (9th Cir. 1991).

⁶ *See* Local Rule IA 3-1.

- The motion for emergency preliminary injunction [ECF No. 1] is **DENIED**.
- Finally, **Williams must file a notice of updated address by February 28, 2022**, or this case may be dismissed for failure to comply with this order and the court's local rules.



U.S. District Judge Jennifer A. Dorsey
Dated: January 27, 2022